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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,519	07/11/2003	James Owen	BEAS-01361US0	6588
23910	7590	08/15/2006	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			ALI, MOHAMMAD	
			ART UNIT	PAPER NUMBER
			2166	

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,519

Applicant(s)

OWEN ET AL.

Examiner

Mohammad Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 25-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 25-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to the amendment filed on 6/7/06.

Claims 1-8 and 25-37 are pending in this Office Action. Claims 9-24 and 38-50 have been cancelled.

Response to Arguments

2. After further search and a thorough examination of the present application claims 1-8 and 25-37 remains rejected.

Applicant's arguments with respect to claims 1-8 and 25-37 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's argue that Van Huben does not teach "logical (virtual) representation of a group of data repositories to be accessed as one".

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., logical (virtual) representation of a group of data repositories to be accessed as one) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-8, and 25-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,325,594 (henceforth referred to as Van Huben) in view of US Patent No. 6,857,012 (henceforth referred to as Sim).

Claim 1 is anticipated by Van Huben as follows: **A storage medium for storing data for access by an application program being executed on a computer system, comprising: a data structure stored in said memory, the data structure including or referring to: a name (figure 3B; C11:L13-34; figure 11B; C23:L41-51); a content repository identifier (C14:L15-18); a property (figure 3B; C10:L39-56); a property definition (figure 3B; C10:L39-56); and wherein the data structure is logically part of a virtual content repository (VCR), and wherein the VCR represents one or**

more content repositories logically as one single content repository from the application program's standpoint (C14:L9-30).

Van Huben does not explicitly indicate claimed VCR represents one or more content repositories logically as one single content repository.

Sim teaches stations of SCDN are organized in a logical virtual tree structure in which each node in the tree has a set of attributes. Thus, each Station has an attribute set that is stored in the node and can be represented in any convenient data structure, e.g., the attribute set can be represented as an attribute bitmap. Each Station (i.e., node) also contains a representation of the rolled up attribute set of each of the station's child-Stations. This representation is called the "Rolled Up Set of Attributes" and any convenient data structure can be used for it, e.g., a "Rolled Up Bitmap", which may be defined as the "binary OR" combination of all rolled up attribute bitmaps from the child-Stations. The distribution servers within a Distribution Server Cluster use the attribute bitmap to distribute and route portions of large payload files and they use the aggregated rolled-up attribute bitmap to terminate unnecessary propagation of messages. One of the Stations in an SCDN is designated the "Central Station". The Central Station holds an attribute database table that matches text strings to bit positions, e.g., a reference table. A data repository for all content but may contain some or all the content (see col. 25, lines 27-48, Sim).

It would have been obvious to one ordinary skill in the data processing art at the time of the present invention to combine the cited references because VCR represents one or more content repositories logically as one single content repository of Sim's

teaching would have allowed Van Huben' system to optimized, so that large payload files can be distributed across existing networks (including the Internet and corporate intranets) using a transport layer network overlay to push content to the edge of the network as suggested by Sim's at col. 9, lines 9-12.

Claim 2 is anticipated by Van Huben as in claim 1, **wherein the content repository identifier comprises: a repository name (C14:L30-40); and a content identifier that is unique for the content repository (C14:L15-20).**

Claim 3 is anticipated by Van Huben as in claim 1, **further comprising: a reference to a parent data structure (figure 4A; C11:L1-12).**

Claim 4 is anticipated by Van Huben as in claim 1, **wherein: a property is an association between a name and at least one value (C10:L39-56; C17:L5-13); and wherein the at least one value can be stored in one of the at least one content repositories (C10:L39-56; C17:L5-13).**

Claim 5 is anticipated by Van Huben as in claim 4, **wherein: the at least one value can be a text string, a number, an image, an audio/visual presentation, or binary data (C10:L39-56; being a computer implemented data array the data contained within *must* be represented as binary data).**

Claim 6 is anticipated by Van Huben as in claim 1, **wherein: the property definition can specify at least one of the following for the property: property choices; a reference; a data type; whether the property is mandatory; whether the property is multi-valued; whether the property is primary; whether the property is read-only; and whether the property is restricted (C10:L54-55).**

Claim 7 is anticipated by Van Huben as in claim 1, **wherein: the data structure is hierarchically related to other data structures and the at least one content repository** (figure 4A; C11:L1-12).

Claim 8 is anticipated by Van Huben as in claim 7, **wherein: the data structure is hierarchically inferior to the at least one content repository** (figure 4A; C11:L1-12).

Claim 25 is anticipated by Van Huben as follows: **storage medium for storing data for access by an application program being executed on a computer system, comprising: a first object storage medium to provide a first group of services related to interacting with a hierarchical namespace** (figure 2, element 24; C13:L47-49); **a second object storage medium to provide a second group of services related to associating information with the first object** (figure 2, elements 23 & 24; C13:L34-43); **a third object storage medium to provide a third group of services related to describing attributes of the second object** (figure 2, elements 22 & 23; C13:L17-30); **wherein the first object is logically part of a virtual content repository (VCR), and wherein the VCR represents one or more content repositories logically as one single content repository from the application program's standpoint** (figure 2, element 21; C12:L24-33).

Claim 26 is anticipated by Van Huben as in claim 25, **wherein the first group of services comprises: first functions that enable associating the first object with a location in the namespace** (C12:L66-C13:L16; C13:L47-54).

Claim 27 is anticipated by Van Huben as in claim 25, **wherein the second group of services comprises: second functions that enable creating, reading, updating and deleting the information (C13:L47-53).**

Claim 28 is anticipated by Van Huben as in claim 25, **wherein the third group of services comprises: third functions that enable specifying at least one of the following for the second object: information choices; a reference; an information type; whether the information is mandatory; whether the information is multi-valued; whether the information is primary; whether the information is read-only; and whether the information is restricted (C13:L17-22).**

Claim 29 is anticipated by Van Huben as in claim 25, **further comprising: a fourth object to specify a location of the first object in the namespace (C14:L9-18).**

Claim 30 is anticipated by Van Huben as in claim 29, **wherein the fourth object includes: a content repository name (C14:L9-18); and a content identifier that is unique for the content repository (C14:L9-18).**

Claim 31 is anticipated by Van Huben as in claim 25, **wherein the first object includes: a reference to a parent object (C11:L1-12).**

Claim 32 is anticipated by Van Huben as in claim 25, **further comprising: a fifth object to provide a fifth set of services related to searching the VCR (figure 2, element 20; C11:L45-49).**

Claim 33 is anticipated by Van Huben as in claim 25, **wherein: the second object associates a name and at least one value (C14:L15-18); and wherein the at**

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least one value can be stored in one of the at least one content repository

(C13:L44-53).

Claim 34 is anticipated by Van Huben as in claim 33, **wherein: the at least one value can be a text string, a number, an image, an audio/visual presentation, or binary data** (C14:L40-48).

Claim 35 is anticipated by Van Huben as in claim 25, **wherein: the first object is hierarchically related to other objects and the at least one content repository** (C11:L1-12; C13:L44-46).

Claim 36 is anticipated by Van Huben as in claim 25, **wherein: there is no second object** (figure 2, element 21; by stating that there is no second object the applicant is also removing the functionality of the third object, thus the whole system seems be represented as one object).

Claim 37 is anticipated by Van Huben as in claim 25, **further comprising: a sixth object to provide a sixth group of services related to configuring the VCR** (figure 2, element 20; C11:L45-49).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Setlak whose telephone number is (571) 272-4060. The examiner can normally be reached on M-F 10:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Mohammad Ali
Primary Examiner
Art Unit 2166

MA
August 14, 2006